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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,048	12/12/2000	Sebastian John Dewhurst	DEWHURST 15498	3521

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LAW OFFICES OF WILLIAM H. HOLT
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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/28/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/734,048

Applicant(s)

DEWHURST, SEBASTIAN JOHN

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7 are presented for examination.

Claim Objections

2. Claim 1, line 5 should read, "fluid dynamics ***modeling*** is provided..."
Claim 1, line 10, "problem" should be plural.
Claim 3, line 3 should read, "... ***the*** range".
Claim 1, line 19, "the structure" lacks antecedent basis.
Claim 2, lines 2-3 recite "the option" and "the parameters". Both lack proper antecedent basis.
Claim 3, line 2, "the range" lacks antecedent basis.
Claim 4, line 2, "the option", "the output flow", "the input flow", "the next" all lack proper antecedent basis.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Bugarin et al., U.S. Patent No. 6,606,570 B2.

As per claim 1, Bugarin teaches a method comprising:

- the customer connecting, via a network, to a server computer, using client software (e.g. C6 L 31-38);
- the server computer providing a menu of several different categories of fluid flow problems, for display by the client software to the customer, and then the customer selecting a category, using the client software (e.g. C2 L26-32) ;
- the server computer requesting dimensional or other specific details relevant to the selected category of fluid flow problem (e.g. C2 L42-48) and the customer providing those details via the client software (e.g. C2 L32-41);
- the server performing modeling of a structure as specified by the customer, and converting the results into an output form; and
- the server computer notifying the customer that the results are available, and providing those results to the customer via the network (e.g. C2 L42-55).

As per claim 6, Bugarin teaches the use of the Internet (e.g. C6 L31-32).

As per claim 7, Bugarin teaches the use of a personal computer (e.g. Figure element 210 and C6 L31-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bugarin et al., as applied to claim 1 above, in view of Starikov, U.S. Patent Application Number 2002/0052799 A1.

As per claims 2-4, Bugarin does not specifically teach parameters having a range of values, optimizing a parameter over that range, and allowing outputs from one problem (model) to be used as inputs of another, or in other words, allowing the placement of multiple models to form a larger system.

Starikov teaches a design development system that utilizes a means for allowing a user to add, remove, edit and compose components to his full satisfaction ([0025]), and that the user is presented with a list of available categories ([0030]) so that templates of components may be created [0031] so that a customer may remotely order a complex design project [0015].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the aforementioned features, adequately mentioned by Starikov, into Bugarin since they are both related to analogous art in that they are both related to allowing a user to remotely order a complex design, using the

internet and a server that models, using software, an order chosen by way of the customer.

That is, since the purpose of Bugarin's combined system is to provide a user with a simple way of ordering a device that would otherwise require complex calculations, by using a remote modeling server, it would be obvious to have parameters optimized, with regards to the design, so that the design will work the best under the circumstances for which it was intended. Furthermore, the use of using outputs for inputs would be obvious since this is merely extending the system past one individual component, which Stairkov clearly teaches and would obviously be equally beneficial to a system in which a user is remotely designing a coriolis flowmeter for a particular operation or use. Therefore, for at least these reasons, the inclusion of the aforementioned features in to Bugarin would have been obvious to one of ordinary skill in the art a the time the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bugarin, as applied to claim 1, in further view of Official Notice.

As per claim 5, Official Notice is taken with respect to a feature wherein a server is used within the confines of a individual company and this feature would have obviously been incorporated or included in Bugarin since the remote server would typically be the property of the company making the flowmeter, and it would be more convenient for the manufacturer to have the server, or the computer taking orders, in the same place that the actual fabrication takes place. This would allow for problems

associated with the server to be easily accessed and repaired by a technician of the individual company so that the remote ordering system will not be offline for significant amounts of time. Therefore, for at least this reason, the inclusion of a feature whereby a server is placed in a individual company would have been obvious to one of ordinary skill in the art at the time the invention was made.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is 703-308-7001. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER
For Anthony Knight

Ronald D Hartman Jr.
Patent Examiner
Art Unit 2121